

**50 WITNESSES
CALLED**

**TO PROBE OF
LYNCHING**

**Judge Patterson, in
Charge,**

**Says Jury Was Not
Called**

for That Special Purpose.

Marietta, Ga., August 31.—The Cobb County Grand Jury drawn for the July Term of Court was charged today by Judge H. J. Patterson to investigate the “recent Lynching in this County,” and before the day was ended had examined a large number of Witnesses for Information they might have on the hanging of Leo M. Frank. At the rate the Witnesses were handled, it would seem that the Jurors could finish with the thirty-five or more called in time to report tomorrow.

Judge Patterson was emphatic on three points in his Brief and Extemporaneous Charge: That the Crime should be thoroughly investigated; that this was not a Special Grand Jury, as had been reported, and that the Jurors were not “Secret Service Men,” which made it necessary for them to do Detective Work to perform their duties.

He said that Cobb County never had needed a Special Grand Jury, and that the Frank Lynching was not the sole cause of reconvening the Jury that served during the July Term of Court. The killing of a Negro soon after the July Term was adjourned was mentioned.

Witnesses Examined.

Within a short time after the Jury retired Witnesses called in the Frank Case went before the Jurors, but the majority of them remained only a few minutes. Tomorrow it is expected Members of the Georgia Prison Commission will be quizzed. The three

Members of the Commission were at the State Prison the night Frank was taken away.

The following were examined by the Jury:

O.B. Keeler, Reporter Atlanta Georgian; W.E. Swanson, Sheriff Cobb County; G.M. Hicks, Deputy Sheriff Cobb County; H.H. Looney, Chief of Police of Marietta; Dr. C.D. Elder; Dr. W.M. Kemp; J.B. Wing, County Commissioner; J.N. Gantt, County Commissioner; W.J. Frey, Member of July Grand Jury; C.N. Mell; J.A. Benson; E.P. Dobbs, Mayor and Senator; C.C. Coyle; Mrs. Ayers; W.L. Gray; W.L. Chandler; Ralph Manning; Charlie Hicks; E.L. Stringer; Josiah Carter, Editor Marietta Journal; N.B. White, Marietta Policeman; J.W. Hardeman; Tom Jackson; W.M. Mayo, Chief of Police of Atlanta; John Black, City Detective of Atlanta, and the following State Prison Commissioners, who were at Milledgeville the night of the Frank abduction from the State Penal Farm by a mob; R.E. Davison, T.E. Patterson and E.L. Rainey.

Members of the Jury.

The Grand Jury is composed of the following Gentlemen: R.A. Hill, Foreman; Pierre Chambless, W.H. Crowder, J.F. Collins, J.H. Mabry, M.D. Jefferson, M.S. Austin, W.B. Lunsford, A.P. McLain, D.B. Brown, B.V. Hopkins, W.L. Richardson, W.N. Boring, W.H. Robertson, John H. Terry, R.P. Norton, A.H. McCleskey, W.J. Tapp, John Gann, W.P. Glover and W.J. Bishop.

The Presentation of the Case to the Grand Jury is being handled by Solicitor General Herbert Clay, assisted by Attorney John Dorsey, a Member of the Legislature from Cobb County.

It is expected that the Investigation will have been completed by midday tomorrow, and the Jury's Finding, in the shape of Special Presentations, will be delivered to the Court in the early afternoon at the latest. W.J. Frey, on whose place the

body was found hanging, was a Member of the July Grand Jury, but announcement was made by Judge Patterson this morning that he was excused from Service because of his having testified before the Coroner's Jury, and the use of his name in Publications bearing on matters which "you Gentlemen will have before you for Investigation."

Mayor E. P. Dobbs, in a Statement today, denied that Report that several persons who had aroused suspicions of Marietta Citizens, had been sent out of town last week.

Not Result of Lynching.

The general presumption has been that the Special Term of Court was called on account of the Lynching, but it was emphasized in Judge Patterson's Charge that this is not true; that the Term was called because of Cases congesting the Jail, and the murder of a Negro in the County the day following adjournment of the regular July Term. Especial Emphasis was laid on the Fact that the Grand Jury is not one specially drawn for consideration of the Lynching, but that its Members were regularly drawn for Service at the July Term, and they have simply been reassembled because occasion demanded it.

Of the original Grand Jury, three Members were excused, two of them for Business Reasons and W.J. Frey, on whose property the body of Leo M. Frank was found, because of the Fact that he was a Witness before the Coroner's Jury, and, as stated by Judge Patterson, because of the use of his name, in the several Publications in connection "with the recent incident in the County."

Among the three names drawn to supply the three vacancies was that of Pierre Chambless, a Native of France, who came here

some time ago from Philadelphia. R.H. Hill, President of the Merchants and Farmers' Bank, was selected Foreman.

Prior to delivering his Charge to the Jury, Judge Patterson delivered a Lecture to the Bailiff especially assigned to the Jury, F.G. Wardlaw, directing that he be "especially cautious in the care of any Papers or Documents entrusted to your care. Any matter delivered to you for transmission to the Grand Jury should have your Protection."

Judge Patterson's Charge.

Charging the Grand Jury, Judge Patterson said:

"You Gentlemen are Members of the regularly drawn Grand Jury of Cobb County, selected for your uprightness and integrity. When I adjourned the July Term of court, I told you Gentlemen that I would call you together again at any time during the interval between the regular Terms of Court should any exceptional reason arise to demand your attention."

"I want to say at this point that you are not a Special Grand Jury drawn by the Judge of the Blue Ridge Circuit, as has been stated, but you are the regularly organized Grand Jury of Cobb County. Not only in this, but in a great deal that has been said recently in the Press, the Facts have been deviated from, and I want to strongly assert that the Press generally has done Cobb County a great Injustice. It appears that a great deal of the matter that has been published by some Newspaper Correspondents have seemingly gotten just as far away from the Truth as they could, and the Result has been that Cobb County has been made to suffer for it."

"This County needs no specially selected Grand Jury now, nor has it ever needed one. Men selected as Grand Jurors of this County have always done their duty. You Gentlemen have done

yours. The Jury Commissioners have done their duty in selecting you as men who may be counted on to do your duty.”

Directs Probe of Lynching.

“I have been informed that a murder was committed here in the County the day after the July Term of Court was adjourned. Of that I do not know, but the Information has come to me. It has been published Broadcast over the world that a Lynching has recently occurred in Cobb County. It is your duty to make a thorough and complete Investigation of that as it is of all Charges of Crime when brought to your attention. Your Oaths bind you to honestly, fairly and impartially make an Investigation of it, but it is not your duty to assume the Role of Secret Service Men; the Role of Detectives. You were not selected in the Capacity of Private Detectives, but as Grand Jurors of your County, and your work is that of Grand Jurors and not the work of Secret Service Men. And yet, it is your duty to do what you can to ferret out any Crime alleged to have been committed within your County; to do it fairly, fearlessly and without Hope of Reward or the reverse.”

“Now, Gentlemen, you may take your time in the consideration and Investigation of this Case, and the other matters that are before you and the Court shall await you. When you have done all you can do, and your Investigation is as complete as you can make it, you will report to me and I will be ready to discharge you for the Term, unless something should arise in the meantime which may need your attention.”
